

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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)

CASE CLOSURES UNDER  
ENFORCEMENT PRIORITY

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

The cases listed below have been evaluated under the Enforcement Priority System (EPS) and identified as of low priority. This report is submitted to recommend that the Commission no longer pursue these cases for the reasons noted below.

II. CASES RECOMMENDED FOR CLOSURE

**Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission**

EPS was created to identify pending cases that, due to the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditure of resources. As part of this process, Central Enforcement Docket (CED) evaluates each incoming matter using Commission-approved criteria which results in a numerical rating for each case.

Closing these cases permits the Commission to focus its limited resources on more important cases presently pending before it. Currently, cases

do not warrant further action relative to other pending matters.<sup>1</sup> Included in this Office's recommendation for closure are two cases that were held at the direction of the Commission on July 28, 1999.<sup>2</sup> Factual summaries of the cases, EPS ratings, and factors leading to assignment of a low priority and recommendation not to further pursue the matters are attached to this report.

This Office recommends that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

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<sup>1</sup> These cases are:

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|---|--|
| PM 384 ( <i>Michael A. Magnoli</i> );           | PM 386 ( <i>Hart, Shoemaker, &amp; Colley</i> );     |
| MUR 4782 ( <i>Ensign for Senate</i> );          | MUR 4787 ( <i>American Conservative Union PAC</i> ); |
| MUR 4812 ( <i>Barr for Congress</i> );          | MUR 4869 ( <i>American Postal Workers Union</i> );   |
| MUR 4875 ( <i>New Jersey Network</i> );         | MUR 4894 ( <i>Zack Exley</i> );                      |
| MUR 4896 ( <i>Suburban O'Hare Commission</i> ); | MUR 4911 ( <i>William Jefferson Clinton</i> )        |

<sup>2</sup> With regard to MUR 4896 (*Suburban O'Hare Commission*), the Commission voted to "[m]aintain MUR 4896 on the enforcement docket at this time pending review of the policy regarding cases which appear to merit no reason to believe determinations." On January 13, 2000, the Commission voted to resolved this issue.

In MUR 4894 (*Zack Exley*), the Commission voted to "[m]aintain MUR 4894 on the enforcement docket at this time pending a discussion, within another context, of how the Commission should address the use of internet sites." On November 10, the Commission issued AO 1999-17 that discusses the use of internet sites. Consequently, the General Counsel's Office has included both MURs 4896 and 4894 in this report.

### III. RECOMMENDATIONS

- A. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

PM 384

PM 386

- B. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

MUR 4782  
MUR 4869  
MUR 4896

MUR 4787  
MUR 4875

MUR 4812  
MUR 4894  
MUR 4911

2/4/00  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Lawrence M. Noble

General Counsel

Attachments



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**AGENDA DOCUMENT NO. X00-15**  
**MEMORANDUM**

TO: Lawrence M. Noble  
General Counsel

FROM: Mary W. Dove/Lisa R. Davis  
Acting Commission Secretary

DATE: February 10, 2000

SUBJECT: Closing Report.

The above-captioned document was circulated to the Commission  
on Monday, February 7, 2000.

Objection(s) have been received from the Commissioner(s) as  
indicated by the name(s) checked below:

|                        |            |
|------------------------|------------|
| Commissioner Elliott   | <u>XXX</u> |
| Commissioner Mason     | <u>XXX</u> |
| Commissioner McDonald  | —          |
| Commissioner Sandstrom | <u>XXX</u> |
| Commissioner Thomas    | —          |
| Commissioner Wold      | —          |

This matter will be placed on the meeting agenda for  
Tuesday, February 15, 2000.

Please notify us who will represent your Division before the Commission on this  
matter.

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